

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION
JURY**

CARLOS PRINCE, DIANE PRINCE,
ABRAHAM PRINCE AND
ALEXANDER PRINCE

VS.

TRANSPORTES ZUAZUA, LLC AND
ALONSO ERIVES DELGADO

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CIVIL ACTION NO. _____

DEFENDANT TRANSPORTES ZUAZUA, LLC'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

1. Defendant, Transportes ZuaZua, LLC, by its undersigned attorney, respectfully shows this Court:

2. On August 12, 2015, Cause No. 2015-CVT-002742-D4 was commenced against Defendant in the 406th Judicial District Court of Webb County, Texas, and is now pending therein.

3. On August 29, 2015, Defendant was served with Plaintiff's Original Petition in the above-entitled action.

4. This Court has jurisdiction of the above-entitled action pursuant to 28 U.S.C. §1332, and the action may therefore be removed to this Court pursuant to 28 U.S.C. §1441(b).

5. Plaintiffs' Original Petition asserts damages in excess of \$1,000,000.00. Defendant is a Texas limited liability company. Its sole member is Roberto Montemayor-Cruz, a Mexican citizen and resident of General Zuazua, Nuevo Leon, Mexico.

6. Defendant Alonso Erives Delgado is not properly joined in this matter. Plaintiffs' Original Petition asserts that Defendant Alonso Erives Delgado is a resident of El Paso County, Texas, and is an employee of Defendant ZuaZua, LLC and was driving the truck involved the vehicular accident giving rise to Plaintiffs' claims. Defendant ZuaZua denies that Mr. Delgado, as named in Plaintiffs' Original Petition, is its employee, presently and any time of the events giving rise to Plaintiffs' claims.

7. This notice is filed with this Court within 30 days after service on Defendant of Plaintiff's Original Petition in the above-entitled action.

8. As required by 28 U.S.C. § 1446(d), a copy of the Notice of Removal is being served on Plaintiffs, by and through their attorney of record, and is also being filed with the 406th District Court, Webb County, Texas.

9. Concurrently with this Notice of Removal, the appropriate Notice of Removal is being filed in state court.

10. Copies of all process, pleadings, and orders filed in this cause, as well as an "Index of Matters Being Filed," are attached hereto in accordance with Local Rules.

WHEREFORE, Defendant prays that the above-entitled action be removed from the 406th Judicial District Court of Webb County, Texas to this Court.

Respectfully submitted,

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//s// **David R. Rangel**

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**ATTORNEYS FOR DEFENDANT
TRANSPORTES ZUAZUA, LLC**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to the following counsel pursuant to the Federal Rules of Civil Procedure, on this the 28th day of September, 2015:

Mr. Thomas J. Henry
Mr. Edwin L. McAninch, *Of Counsel*
THOMAS J. HENRY, INJURY ATTORNEYS
521 Starr Street
Corpus Christi, Texas 78401

//s// David R. Rangel
DAVID R. RANGEL